

AMENDED IN SENATE JUNE 2, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Nestande
(Coauthors: Assembly Members Mansoor, Waldron, and Wilk)
(Coauthor: Senator Knight)

February 21, 2014

An act to amend Section 23356.2 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as amended, Nestande. Home brewers and home winemakers.

Existing law authorizes a person to manufacture beer or wine for personal or family use without the need for a license or permit, as provided. Existing law authorizes the removal of beer or wine from the premises where made for personal or family use, for specified purposes, including at bona fide competitions or exhibitions. Existing law also authorizes these products to be removed from the premises when donated to a nonprofit organization for sale at a fundraising event, but excludes from this authorization nonprofit organizations that either promote home brewing or home winemaking or that are primarily composed of home brewers or home winemakers, as specified. The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor.

This bill would permit the removal and use of home brewed beer or homemade wine in connection with a bona fide competition or judging or a bona fide exhibition or tasting. The bill would also allow nonprofit organizations that promote home brewing to serve beer at fundraising events subject to specified conditions, including requiring an educational component to the event and limiting the nonprofit organization to 2 of these types of events that serve beer pursuant to this authorization per year.

By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23356.2 of the Business and Professions
- 2 Code is amended to read:
- 3 23356.2. (a) No license or permit shall be required for the
- 4 manufacture of beer or wine for personal or family use, and not
- 5 for sale, by a person over 21 years of age. The aggregate amount
- 6 of beer or wine with respect to any household shall not exceed (1)
- 7 100 gallons per calendar year if there is only one adult in the
- 8 household or (2) 200 gallons per calendar year if there are two or
- 9 more adults in the household.
- 10 (b) Beer or wine produced pursuant to this section may be
- 11 removed from the premises where made only under any of the
- 12 following circumstances:
- 13 (1) For use, including in a bona fide competition or judging or
- 14 a bona fide exhibition or tasting.
- 15 (2) For personal or family use.
- 16 (3) When donated to a nonprofit organization for use as provided
- 17 in subdivision (c) or (d).
- 18 (c) (1) Beer or wine produced pursuant to this section may be
- 19 donated to a nonprofit organization for sale at fundraising events
- 20 conducted solely by and for the benefit of the nonprofit

1 organization. Beer and wine donated pursuant to this subdivision
2 may be sold by the nonprofit organization only for consumption
3 on the premises of the fundraising event, under a license issued
4 by the department to the nonprofit organization pursuant to this
5 division.

6 (2) Beer or wine donated and sold pursuant to this subdivision
7 shall bear a label identifying its producer and stating that the beer
8 or wine is homemade and not available for sale or for consumption
9 off the licensed premises. The beer or wine is not required to
10 comply with other labeling requirements under this division.
11 However, nothing in this paragraph authorizes the use of any false
12 or misleading information on a beer or wine label.

13 (3) A nonprofit organization established for the purpose of
14 promoting home production of beer or wine, or whose membership
15 is composed primarily of home brewers or home winemakers, shall
16 not be eligible to sell beer pursuant to this subdivision.

17 (d) A nonprofit organization established for the purpose of
18 promoting home production of beer shall be eligible to serve beer
19 at a fundraising event conducted solely for the benefit of the
20 nonprofit organization pursuant to this subdivision, subject to the
21 following conditions:

22 (1) The beer that is served is donated by home brewers.

23 (2) The nonprofit organization shall be issued no more than two
24 permits per calendar year for the serving of beer pursuant to this
25 subdivision.

26 (3) The nonprofit organization shall display a printed notice at
27 the event that states that home brewed beer is not a regulated
28 product subject to health and safety standards.

29 (4) The event shall have an educational component that includes
30 instruction on the subject of beer, including, but not limited to, the
31 history, nature, values, and characteristics of beer, the use of beer
32 lists, and the methods of presenting and serving beer.

33 (5) Only bona fide members of the nonprofit organization may
34 attend the event.

35 (6) The nonprofit organization shall not solicit or sign up
36 individuals to be members of the nonprofit organization on the
37 day of the event at the event premises.

38 (7) The nonprofit organization shall provide the department
39 ~~with a list of attendees~~ *the number of members that have registered*
40 *for the event and the estimated number that will be in attendance,*

1 48 hours before the event. *This paragraph shall apply only* if more
2 than 50 members are expected to ~~attend~~ *be in attendance at the*
3 event.

4 (e) Except as provided in subdivision (c), this section does not
5 authorize the sale or offering for sale by any person of any beer
6 or wine produced pursuant to this section.

7 (f) Except as provided herein, nothing in this section authorizes
8 any activity in violation of Section 23300, 23355, or 23399.1.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district are the result of a program for which legislative authority
13 was requested by that local agency or school district, within the
14 meaning of Section 17556 of the Government Code and Section
15 6 of Article XIII B of the California Constitution.